IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15788 of 2005

Between:

M/s. Ravi Grand Bazaar,

represented by its Managing Partner,

..... PETITIONER

AND

1.Government of Andhra Pradesh, Rep. by its Secretary,

Revenue Department, Secretariat, Hyderabad.
2.Special Deputy Collector (Land Acquisition),

Municipal Corporation of Hyderabad, at Hyderabad.
3. Municipal Corporation of Hyderabad,

represented by its Commissioner at Hyderabad.
4. Assistant City Planner, Municipal Corporation of Hyderabad

Circle 3, Hyderabad.
5. M. Venkatesam,

.....RESPONDENTS

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

ORAL ORDER:

Assailing the notice dated 18-7-2005 issued by the 2nd respondent

directing the petitioner to vacate the schedule premises by 23-7-2005 the petitioner filed this writ petition.

The facts go to show that the petitioner is the tenant of the schedule property. Earlier, he filed writ petition No. 9020 of 2003 against the respondents herein when he perceived threat of demolition of the schedule premises. The said writ petition was disposed of with a direction to the respondents not to dispossess the petitioner from the said premises otherwise than in due process of law and if the said property is required for road widening, it is open for the respondents to take steps under the provisions of the Land Acquisition Act. It is further stated that subsequently the owner of the property i.e. the 5th respondent herein gave consent to the authorities for acquisition of the demised premises for the purpose of widening of the road. On that the petitioner filed another Writ petition No. 3902 of 2005 alleging that the land acquisition proceedings were not followed. Later the petitioner filed objections under Section 5-A of the Act.

The grievance of the petitioner seems that he received notices of award enquiry and he also submitted a claim for compensation of Rs.20 lakhs as he has been the tenant of the schedule premises for the last 15 years. But the second respondent, without taking into consideration the objections filed by the petitioner, passed NIL award dated 16-7-2005 and the same was communicated to the petitioner through the notice award dated 18-7-2005, which also contained another notice to the effect that possession of the demised premises is going to be taken by 23-7-2005. Hence the present writ petition.

The learned counsel for the petitioner contended that the authorities have not considered the objections raised by the petitioner under Section 5-A of the Land Acquisition Act. He further contended that the petitioner is ready and willing to handover the 23.84 square yards as

notified in the gazette notification dated 4-9-2004 and 7-1-2005 retaining the remaining portion of the said premises.

Having regard to the facts and circumstances of the case, since the petitioner is a tenant of the schedule premises, more so, the landlord has given consent to the Municipal authorities to acquire the land for the purpose of road widening, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to handover the land as was mentioned in the gazette notification dated 4-9-2004 and 7-1-2005, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

_____

(ELIPE DHARMA RAO, J)

Date: 25.07.2005

Ksn